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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,662	08/25/2005	Robert Henry Tillotson	31229-211727	5612
26694	7590	10/16/2007		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER HAN, JASON	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,662

Applicant(s)

TILLOTSON, ROBERT HENRY

Examiner

Jason M. Han

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20041213.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities:
  - a. Appropriate section headings missing as provided in 37 CFR 1.77(b);
  - b. Page 1, Line 5: "colour" is suggested to read as "color"; Applicant is encouraged to make the correction throughout the remainder of the disclosure, whereby similar occurrences are replete;
  - c. Page 1, Line 20: "the or each" is suggested to read as "each"; Applicant is encouraged to make the correction through the remainder of the disclosure, whereby similar occurrences are replete;
  - d. Page 8, Lines 5, 12, 15: "plastics" is suggested to read as "plastic"; Applicant is advised that this error is recurring and replete throughout the disclosure;
  - e. Page 8, Line 8: "light of a given a colour" is suggested to read as "light of a given colour";
  - f. Page 12, Line 22: "Inserts 58a-d" should read as "Strips 60a-d";

Numerous grammatical and typographical errors are replete throughout the application. The Examiner has forgone any correction due to the amount, and the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which Applicant may become aware in the specification.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: In line 4 of the claim, Applicant should avoid the use of the pronoun, "their". Appropriate correction is required.
5. Claim 3 is objected to because of the following informalities: In line 1 of the claim, "20 inner sleeve" is suggested to read as "inner sleeve". Appropriate correction is required.
6. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. At present, Applicant is merely claiming a cover means that was already claimed in Independent Claim 1.

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The following claims have been rejected in light of the specification, but rendered the broadest interpretation as stated by the Applicant within the context of the body of the claim language and as construed by the Examiner [MPEP 2111].

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 5-6, 10-11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Illo (U.S. Patent 2,201,093 A).

8. With regards to Claim 1, Illo discloses a lighting system including:

- At least one lamp [Figures 1-7: (7, 7', 10)];
- A power control for the lamp [Column 1, Lines 50-53];
- Cover means [Figure 4: (8-9) and Figure 5] for the lamp and control means [Figures 2, 7: (12-14, 19-20 or 21-22)],
- Wherein the cover means is adapted to substantially surround a respective lamp and the control means are operable to move the cover means relative to the respective lamp [Column 2, Lines 28-30],
- Wherein the cover means is a sleeve [Figures 1, 4, 6: (11)];
- Wherein the cover means is operable to receive removable strips [Figures 1-6: (18)] to alter the color of light transmitted by the cover means, and
- Wherein the cover means is in contact with the respective lamp.

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9. With regards to Claim 2, Illo discloses the covers including two sleeves [Figures 1, 4, 6: (11)], being inner (closer to bottom) and outer (closer to top) sleeves.
10. With regard to Claims 5 and 6, Illo discloses pockets [Figures 4-6] being formed between the inner and outer sleeves, whereby the pockets are adapted to receive inserts [Figures 4-6: (18)].
11. With regards to Claim 10, Illo discloses the control means including a driver [Figures 2, 7: (12-13, 19)] and motor [Figures 2, 7: (20 or 21-22)].
12. With regards to Claim 11, Illo discloses a plurality of lamps [Figures 1-7: (7, 7', 10)], and a plurality of cover means [Figure 4: (8-9) and Figure 5], whereby each lamp has control means [Figures 2, 7: (12-14, 19-20 or 21-22)].
13. With regard to Claims 13-14, Illo discloses a cover means [Figure 4: (8-9) and Figure 5] and a kit [Figures 2, 3, 7] including the cover means and control means.
14. Claims 1-2, 4, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nemirow (U.S. Patent 6,796,685 B1).
15. With regards to Claim 1, Nemirow discloses a lighting system including:
  - At least one lamp [Figures 1-10: (20, 40)];
  - A power control for the lamp [Figures 1-10: (40); Figure 11];
  - Cover means [Figures 1-10: (22, 24, 30, 36, 70)] for the lamp and control means [Figures 1-10: (26, 36, 50)],
  - Wherein the cover means is adapted to substantially surround a respective lamp and the control means are operable to move the cover means relative to the respective lamp,

- Wherein the cover means is a sleeve;
- Wherein the cover means is operable to receive removable strips [Figure 10: (72, 74)] to alter the color of light transmitted by the cover means, and
- Wherein the cover means is in contact with the respective lamp.

16. With regards to Claim 2, Nemirow discloses the cover including two sleeves [Figures 1-8: (22, 24) or Figure 10: (72, 74)], being inner and outer sleeves.

17. With regards to Claim 4, Nemirow discloses the outer sleeve [Figures 1-8: (24); Figure 10: (72)] being generally circular in cross-section.

18. With regards to Claim 7, Nemirow discloses the inner sleeve including abutting wall elements [Figures 5, 7-8: (24, 25, 54, 56, 58, 60)] which, when located in the outer sleeve, are held together to form the inner sleeve.

19. With regards to Claim 8, Nemirow discloses the wall elements forming a sleeve of generally circular cross section [Figures 5, 7-8].

20. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Illo (U.S. Patent 2,201,093 A).

Illo discloses a lighting system including:

- At least one lamp [Figures 1-7: (7, 7', 10)];
- A power control for the lamp [Column 1, Lines 50-53];
- Cover means [Figure 4: (8-9) and Figure 5] for the lamp and control means [Figures 2, 7: (12-14, 19-20 or 21-22)];

- Wherein the cover means is adapted to substantially surround a respective lamp and the control means are operable to move the cover means relative to their respective lamp.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Illo (U.S. Patent 2,201,093 A).

Illo discloses the claimed invention as cited above, but does not specifically teach the inner sleeve being generally square in cross-section (re: Claim 3), nor the wall elements of the inner sleeve forming a generally rectilinear or square cross-section (re: Claim 9).

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the inner sleeve or the wall elements of the inner sleeve to be/form a generally rectilinear or square cross-section, since it has been held to be within the general skill of a worker that mere change of form or shape of an invention involves only routine skill in the art [*Span-Deck Inc. c. Fab-Con, Inc.* (CA 8, 1982) 215USPQ 835]. In this case, changing the shape of the inner sleeve may provide for a different optical affect and simplify the transition between colors, or improve overall



aesthetics. Such a configuration is commonly known within the art and is not considered to be the main patentable feature of the invention.

22. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Illo (U.S. Patent 2,201,093 A) as applied to Claim 11 above, and further in view of Nemirow (U.S. Patent 6,796,685 B1).

Illo discloses the claimed invention as cited above, but does not specifically teach the control means being operable to receive synchronizing signals from synchronization means, to cause motors of the control means to turn the cover means in concert.

Nemirow teaches control means being operable to receive synchronizing signals from synchronization means to control a motor to turn a cover means of a lamp [Figure 11; Column 6, Line 66 – Column 7, Line 12].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting system of Illo to incorporate the control means with synchronization means of Nemirow, in order to provide greater control over the illumination, such as the color output.

### ***Conclusion***

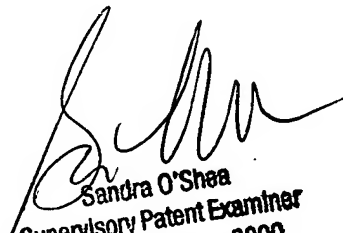
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M Han  
Examiner  
Art Unit 2875

JMH (10/9/2007)



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800